

1 Mark E. Ellis # 127159
Daniel D. McGee # 218947
2 Darrell W. Spence #248011
Ellis, Coleman, Poirier, LaVoie, & Steinheimer LLP
3 555 University Avenue, Suite 200 East
Sacramento, CA 95825
4 Tel. (916) 283-8820
Fax (916) 283-8821

5 George P. Eshoo - 39081
6 Law Offices of George P. Eshoo & Associates
702 Marshall Street, Suite 500
7 Redwood City, CA 94063
Tel: (650) 364-7030
8 Fax: (650) 364-3054

9 Attorneys for Appellee/Plaintiff JOHN CHALLAS

10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13

14 In re: Stephen J.R. Goetz and Diana
Goetz,

15 Debtors.

16
17 John Challas,

18 Plaintiff,

19 v.

20 Steven Goetz, and DOES 1 through 20,
21 Inclusive,

22 Defendants.

Chapter 11

Case No. C-07-06364 RMW

[Bankruptcy Case No. 05-57623 MM
Adversary Proceeding No. 06-5197
BAP No. NC-07-1418]

**STATEMENT OF NON-OPPOSITION IN SUPPORT
OF APPELLEE/PLAINTIFF JOHN CHALLAS'
MOTION TO DISMISS THE APPEAL BY
APPELLANT/DEFENDANT STEPHEN GOETZ**

New Date: July 25, 2008

Time: 9:00 a.m.

Judge: Hon. Ronald M. Whyte

Courtroom: 6, 4th Fl.

23
24 **STATEMENT OF NON-OPPOSITION**

25 On May 14, 2008, Appellee/Plaintiff JOHN CHALLAS ("Mr. Challas") filed and served a
26 motion to dismiss the bankruptcy appeal brought by Appellant/Defendant STEPHEN GOETZ ("Mr.

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28 STATEMENT OF NON-OPPOSITION IN SUPPORT OF APPELLEE/PLAINTIFF JOHN CHALLAS' MOTION TO
DISMISS THE APPEAL BY APPELLANT/DEFENDANT STEPHEN GOETZ

1 Goetz"). [**Docket Nos. 5-7.**] Said motion was originally set to be heard on June 20, 2008, at 9:00
2 a.m., in this Court. [*Ibid.*] Consequently, and pursuant to this Court's Local Rules, Rule 7.3(a), Mr.
3 Goetz was required to file and serve his opposition to said motion, if any, not later than 21 days before
4 the June 20, 2008 hearing date, i.e., May 30, 2008. Mr. Goetz, however, did not file any opposition to
5 Mr. Challas' motion to dismiss by May 30, 2008.

6 Subsequently, on June 4, 2008, and after the May 30, 2008 due date for Goetz's opposition, this
7 Court, on its own motion, continued the June 20, 2008 hearing on Mr. Challas' motion to dismiss until
8 July 25, 2008. [**Docket No.8.**] This Court, however, specified that "papers must still be filed in
9 accordance with the originally noticed date and the Local Rules of this court absent a court order
10 setting a new briefing schedule." [*Ibid.*] This Court did not set any new briefing schedule.

11 Given these circumstances, including that Mr. Goetz did not timely oppose Mr. Challas' motion
12 to dismiss, Mr. Challas respectfully requests that this Court now grant said motion which is unopposed,
13 and dismiss the aforementioned appeal brought by Mr. Goetz. A proposed order accompanies this
14 statement of non-opposition.

15
16 Dated: June 6, 2008

ELLIS, COLEMAN, POIRIER, LAVOIE, &
STEINHEIMER LLP

17
18
19 By



Daniel D. McGee

Co-Counsel for JOHN CHALLAS

CERTIFICATE OF SERVICE

I, Nichole M. Pruitt declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On June 6, 2008, I served the following document(s) on the parties in the within action:

STATEMENT OF NON-OPPOSITION IN SUPPORT OF APPELLEE/PLAINTIFF JOHN CHALLAS' MOTION TO DISMISS THE APPEAL BY APPELLANT/DEFENDANT STEPHEN GOETZ

X	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:
X	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:

Stephen Goetz
13725 Robleda Road
Los Altos, CA 94022
(Via Overnight Delivery)


Debtor In Pro Per

George P. Eshoo, Esq.
Law Offices of George P. Eshoo et al.
702 Marshall Street, Suite 500
Redwood City, CA 94063
(Via Electronic Service)

Co-Counsel for John Challas

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on June 6, 2008.

By


Nichole M. Pruitt